

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In-Re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
M21-88

----- X

This Document Relates To:

----- X

*City of Riverside v. Atlantic Richfield Co.,  
et al;* Case No. 04 Civ. 4969

*California-American Water Co., v. Atlantic  
Richfield Co., et al;* Case No. 04 Civ. 4974

----- X

**PLAINTIFFS AND DEFENDANT CIRCLE K STORES,  
INC.'S JOINT MOTION FOR VOLUNTARY DISMISSAL  
WITH PREJUDICE PURSUANT TO FRCP 41(a)(2)**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs City of Riverside and California-American Water Co. and Defendant Circle K Stores, Inc. (collectively "The Parties") request the Court to enter an Agreed Stipulation and Order of Dismissal. The Parties have resolved all matters in controversy between. The Parties have agreed that each shall bear their own costs, expenses and attorneys' fees.

WHEREFORE, the Parties request this Court enter the Stipulation and Order of Dismissal with Prejudice under Rule 41 of the Federal Rules of Civil Procedure, costs and expenses to be borne by the party incurring them, and for such other relief to which they may be entitled.

DATED: May 18<sup>th</sup>, 2010.

Respectfully submitted,

By:



Celeste A. Evangelisti

**BARON & BUDD, P.C.**

3102 Oak Lawn Avenue, Suite 1100

Dallas, TX 75219

Telephone: 214-521-3605

Facsimile: 214-520-1181

Victor M. Sher

**SHER LEFF LLP**

450 Mission Street, Suite 400

San Francisco, CA 94105

Telephone: (415) 348-8300

Facsimile: (415) 348-8333

*Counsel for Plaintiffs*

By:



John J. Lyons

**LATHAM & WATKINS LLP**

355 South Grand Ave.

Los Angeles, CA 90071

(213) 485-1234

(213) 891-8763 (fax)

*Counsel for Defendant Circle K Stores, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **PLAINTIFFS AND DEFENDANT CIRCLE K STORES, INC.'S JOINT MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE PURSUANT TO FRCP 41(a)(2)** was served on all counsel of record by posting it directly to LexisNexis File & Serve on May 18<sup>th</sup>, 2010.

  
SHELLY PETERSEN